

Notice of Allowability

Application No.

10/519,776

Examiner

Diane Mizrahi

Applicant(s)

ITOH ET AL.

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10-16-07.
2. ☒ The allowed claim(s) is/are 10-16-07.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37.CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application .
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 10-16-07 .
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DIANE MIZRAHI
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Mark Saralino on October 16, 2007.

Examiner is including a copy of the new ruling from the Federal Circuit Court regarding "signals" as of September 20, 2007. [see In re Petrus A.C.M. Nuijten, --- F.3d ---, 2007 WL 2728397 (Fed. Cir. September 20, 2007) (no official report as yet)].

The application has been amended as follows:

Claims:

1. (Currently Amended) A data processor system comprising:
 - a signal input section to which a video signal and an audio signal are input;
 - a compressing section for coding and compressing the video and audio signals to generate video data and audio data;
 - a stream assembling section, which divides each of the video data and the audio data into a plurality of packets, and makes a plurality of data units, in each of which a video packet representing a fraction of the video data and an audio packet representing a fraction of the audio data are multiplexed together to generate a data stream composed of a plurality of said data units;
 - and
 - a writing section for writing the data stream on a storage medium,wherein the stream assembling section determines, at least by a video playback time, what

Art Unit: 2165

video packets and audio packets are included in each said data unit, and ~~if a~~ what portion of audio data, which is associated with the video data stored in a predetermined data unit, is missing from the predetermined data unit, ~~then copied data,~~ and puts into the data stream copied data obtained by copying partial audio data including at least that missing portion of the audio data, ~~is put into the data stream.~~

2. (Currently Amended) The data processor system of claim 1, wherein the stream assembling section stores the copied data, associated with the data unit, in at least the first one of the video packets of the following data unit.

3. (Currently Amended) The data processor system of claim 1, wherein the stream assembling section stores the copied data within the associated data unit.

4. (Currently Amended) The data processor system of claim 1, wherein the stream assembling section stores the copied data in a dedicated audio stream within the data stream.

5. (Currently Amended) The data processor system of claim 1, wherein the stream assembling section stores the copied data in a dedicated private data stream within the data stream.

6. (Currently Amended) The data processor system of claim 1, wherein the stream assembling section puts copied data, obtained by copying all of the missing portion of the audio data and a remainder of the audio data ~~synchronized~~ associated with the video data, into the predetermined data unit.

7. (Currently Amended) The data processor system of claim 6, wherein the stream assembling section stores the copied data in a dedicated private data stream within the data stream.

8. (Currently Amended) The data processor system of claim 1, wherein the stream

assembling section stores copied data, obtained by copying ~~all of the missing portion of the audio data and a remainder of~~ the audio data ~~synchronized~~ associated with the video data, in a dedicated audio stream within the data stream.

9. (Currently Amended) The data processor system of claim 1, wherein the stream assembling section stores copied data, obtained by copying ~~all of the missing portion of the audio data and a remainder of~~ the audio data ~~synchronized~~ associated with the video data, in a dedicated audio stream within the data stream, and defines a transfer timing, which is earlier than the transfer timing of the data unit as original of the copied data by a predetermined amount of time, and records the transfer timing as transfer timing information representing the transfer timing of the copied data.

10. (Currently Amended) The data processor system of claim 1, wherein the stream assembling section generates the data stream as an assembly of a first file including a plurality of said data units and a second file including the copied data, and
wherein the writing section writes the data units and the copied data on the storage medium continuously.

11. (Currently Amended) The data processor system of claim 10, wherein the stream assembling section defines the second file by copied data to be obtained by copying ~~all of the~~ missing portion of the audio data and a remainder of the audio data associated with the video data.

12. (Currently Amended) The data processor system of claim 1, wherein the audio data has a data length corresponding to a first rate, and
wherein the compressing section compresses and codes the audio signal at a second rate, which is lower than the first rate, and puts the compressed audio signal into the audio data, and
wherein the stream assembling section stores the copied data in a reserved area that represents a difference between a second data length, which is defined so as to correspond to the second rate, and the first data length of the audio data, which is defined so as to correspond to the first rate.

13. (Currently Amended) A data processing method comprising steps of:
receiving a video signal and an audio signal;
generating video data and audio data by coding and compressing the video and audio signals;
generating a data stream composed of a plurality of data units by dividing each of the video data and the audio data into a plurality of packets, and by making a plurality of data units, in each of which a video packet representing a fraction of the video data and an audio packet representing a fraction of the audio data are multiplexed together; and
writing the data stream on a storage medium,
wherein the step of generating the data stream includes the steps of determining, at least by a video playback time, what video packets and audio packets are included in each said data unit, and ~~if a~~ what portion of audio data, which is associated with the video data stored in a predetermined data unit, is missing from the predetermined data unit, and putting into the data stream copied data~~[,]~~ obtained by copying partial audio data including at least that missing portion of the audio data, ~~into the data stream~~.
14. (Original) The data processing method of claim 13, wherein the step of generating the data stream includes the step of storing the copied data, associated with the data unit, in the first one of the video packets of the following data unit.
15. (Currently Amended) The data processing method of claim 13, wherein the step of generating the data stream includes the step of putting copied data, obtained by copying ~~all of the~~ missing portion of the audio data and a remainder of the audio data associated with the video data, into the predetermined data unit.
16. (Original) The data processing method of claim 13, wherein the step of generating the data stream includes the step of generating the data stream as an assembly of a first file including a plurality of said data units and a second file including the copied data, and
wherein the step of writing includes the step of writing the data units and the copied data

on the storage medium continuously.

17. (Currently Amended) The data processing method of claim 16, wherein the step of generating the data stream includes the step of defining the second file by copied data by copying all of the missing portion of the audio data and a remainder of the audio data associated with the video data.

18. (Original) The data processing method of claim 13, wherein the audio data has a data length corresponding to a first rate, and

wherein the step of generating the audio data includes the step of generating the audio data by coding and compressing the audio signal at the first rate, and

wherein the step of generating the data stream includes the steps of generating the audio data by setting a second rate, which is higher than the first rate, as rate information for the audio data included in the predetermined data unit and storing the copied data in a reserved area that represents a difference between a second data length, which is defined so as to correspond to the second rate, and the first data length of the audio data, which is defined so as to correspond to the first rate.

Allowable Subject Matter

Claims 1-18 are allowed over the prior art made of record.

Comments

The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in an Office action. A fully responsive reply must be timely filed to avoid abandonment of this application.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

As allowable subject matter has been indicated, Applicant's response must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP section 707.07(a).

Other Prior Art Made of Record

The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. U.S. patents and U.S. patent application publications will not be supplied with Office actions. Examiners advises the Applicant that the cited U.S. patents and patent application publications are available for download via the Office's PAIR. As an alternate source, all U.S. patents and patent application publications are available on the USPTO web site (www.uspto.gov), from the Office of Public Records and from commercial sources. For the use of the Office's PAIR system, Applicants may refer to the Electronic Business Center (EBC) at <http://www.uspto.gov/ebc/index.html> or 1-866-217-9197.

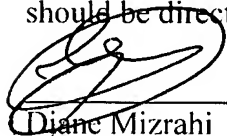
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diane D. Mizrahi whose telephone number is 571-272-4079. The examiner can normally be reached on Monday-Thursday.

Art Unit: 2165

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (571) 272-4146. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 305-3900 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



Diane Mizrahi
Primary Patent Examiner
Technology Center 2100

October 16, 2007